

Congress of the United States

Washington, DC 20510

February 6, 2019

Mr. Robin Roberts
President
National Media, Research, Planning & Placement
817 Salters Lane
Alexandria, VA 22314

Dear Mr. Roberts:

We write to request further information about the relationship between Red Eagle Media Group (“Red Eagle”), American Media & Advocacy Group (“AMAG”), and National Media Research, Planning and Placement firm (“National Media.”). Based on published reports, we believe it appears that the National Rifle Association and its affiliates, the National Rifle Association of America Institute for Legislative Action and the National Rifle Association of America Political Victory Fund, (collectively, the “NRA”), may have violated campaign finance laws by coordinating independent expenditures with the Donald J. Trump for President campaign (the “Trump Campaign”), through Red Eagle, AMAG, and National Media.

Candidates are prohibited from accepting contributions outside of the existing campaign finance limits during an election cycle. Any independent expenditure made in coordination with a candidate is considered to be an in-kind contribution to the candidate and is subject to applicable contribution limits.¹

During the 2016 presidential campaign, the NRA placed \$30 million in advertisements supporting the Trump Campaign or opposing Hillary Clinton.² *Mother Jones* and *The Trace* reported that during the 2016 elections, the NRA made “independent” expenditures supporting Trump through a complex network of media firms also employed by the Trump Campaign. The NRA used the firm Red Eagle to place television ads supporting the Trump Campaign, and the Trump Campaign paid \$74.2 million to AMAG for “placed media” in the 2016 cycle.³ According to *The Trace* and *Mother Jones*, the Trump Campaign ads “were aimed at precisely the same demographic as the NRA spots, and often ran during the same shows.”⁴

¹ See generally, 52 U.S.C. §30116(a)(7)(B)(i); 52 U.S.C. 30116(a)(1) and 52 U.S.C. § 30118(a).

² National Rifle Association Institute for Legislative Action, Spending, 2015-16,

<https://www.fec.gov/data/committee/C90013301/?cycle=2016&tab=spending>; National Rifle Association Political Victory Fund, Spending, 2015-16, <https://www.fec.gov/data/committee/C00053553/?cycle=2016&tab=spending>.

³ Donald J. Trump for President, Inc., Disbursements to American Media & Advocacy Group, 2015-16, FEC.GOV, https://www.fec.gov/data/disbursements/?two_year_transaction_period=2016&data_type=processed&committee_id=C00580100&recipient_name=american+media&recipient_name=amag&min_date=01%2F01%2F2015&max_date=12%2F31%2F2016.

⁴ Mike Spies, *Documents Point to Illegal Campaign Coordination Between Trump and the NRA*, MOTHER JONES (Dec. 6, 2018), <https://www.motherjones.com/politics/2018/12/nra-trump-2016-campaign-coordination-political-advertising/>.

Significant circumstantial evidence suggests that Red Eagle, AMAG, and National Media are functionally identical entities, organized in a way to allow the NRA to coordinate “independent” expenditures with the Trump Campaign.

- According to Virginia incorporation records, Red Eagle is a “fictitious name” or “trade name” associated with National Media, located at 815 Salters Lane, Alexandria, Virginia.⁵ National Media’s website describes itself as a “nationally recognized leader in media research, planning, and placement.”⁶ It lists its address as 815 Slaters Lane, Alexandria, Virginia, 22314 and lists Joel Dahnke as its registered agent.⁷ Likewise, AMAG shares the same address as Red Eagle and National Media and has the same registered agent as National Media.⁸ In a 2016 *Daily Beast* article, an attorney for National Media and AMAG acknowledged that the organization is “affiliated” with National Media.⁹
- Red Eagle media placed advertisements supporting the Trump Campaign through its primary vendor Starboard Strategic. According to reporting by *Politico*, Starboard Strategic is functionally the same entity as OnMessage, another media firm which shares an address with National Media, Red Eagle, and AMAG.¹⁰
- According to a complaint filed by the Campaign Legal Center and various Federal Communications Commission filings, at least four National Media employees—Ben Angle, Kristie Kovatch, Jon Ferrell, and Caroline Kowalski—placed NRA ads for Red Eagle, and also placed ads for the Trump Campaign for AMAG.¹¹ Many of the advertisements were essentially identical advertisements, run in the same markets, on the same stations, and at the same times as each other.¹²
- A recent report alleges that National Media chief financial officer, Jon Ferrell, also authorized ad purchases for the NRA and various Republican senate campaigns.¹³

Given the lack of separation between the Red Eagle, AMAG, and National Media, and the fact that the very same employees authorized pro-Trump “independent” expenditures for the NRA and advertisements for the Trump Campaign, we are concerned that Red Eagle, AMAG, and

⁵ Business Entity Search, Commonwealth of Virginia, State Corporation Commission, https://sccefile.scc.virginia.gov/Find/Business?SearchTerm=red+eagle+media&SearchPattern=K&as_fid=71a314ab0f8a83563c7a4633b7f34602942d6fb4.

⁶ National Media, www.natmedia.com.

⁷ *National Media Research Planning and Placement, LLC*, Commonwealth of Virginia State Corporation Commission, <https://sccefile.scc.virginia.gov/Business/S207052>.

⁸ *American Media & Advocacy Group, LLC*, Commonwealth of Virginia State Corporation Commission, <https://sccefile.scc.virginia.gov/Business/S416256>.

⁹ Betsy Woodruff, *Trump’s Already Part of the D.C. Swamp, Whether He Knows It or Not*, DAILY BEAST (Oct. 26, 2016), <https://www.thedailybeast.com/trumps-already-part-of-the-dc-swamp-whether-he-knows-it-or-not?ref=scroll>.

¹⁰ See Mike Spies, *The Mystery Firm That Became the NRA’s Top Election Consultant*, POLITICO (July 13, 2018), <https://www.politico.com/magazine/story/2018/07/13/mystery-firm-nra-consultant-219004>.

¹¹ Campaign Legal Center, Complaint Against the National Rifle Association American Institute for Legislative Act and the National Rifle Association of America Political Victory Fund (Dec. 7, 2018).

¹² *Id.*

¹³ Christopher Hanks and Mike Spies, *Documents Show NRA and Republican Candidates Coordinated Ads in Key Senate Races*, MOTHER JONES (Jan. 11, 2018), <https://www.motherjones.com/politics/2019/01/nra-republicans-campaign-ads-senate-josh-hawley/>.

National Media lacked the proper firewalls to prevent illegal coordination between an independent expenditure group and a campaign.

Because a payment for a coordinated communication is an in-kind contribution to a candidate,¹⁴ the NRA may have violated contribution limits under the Federal Election Campaign Act by making coordinated communications in excess of applicable contribution caps through Red Eagle, AMAG, and National Media.¹⁵

As members of Congress, we have a strong interest in ensuring that elections are conducted fairly under current campaign finance law. In light of these concerns, we request the following information no later than March 6, 2019.

- 1) Do Red Eagle, AMAG, and National Media have official policies to prevent illegal coordination and comply with FEC's common vendor guidelines, including 11 C.F.R. §109.21? If so, please provide the specific policies and procedures, corporate bylaws, articles of incorporation, or other guidelines that establish the appropriate firewalls and compliance with common vendor regulations between Red Eagle, AMAG, and National Media employees.
- 2) Please provide any internal communications and emails between Red Eagle, AMAG, and National Media, as well as any communications and emails with the NRA, discussing compliance with campaign finance law regarding the representation of the NRA and political candidates.
- 3) Please provide any communications and emails between Red Eagle, AMAG, or National Media and the Trump Campaign discussing the NRA.
- 4) Please provide any notes from any meetings or phone calls held with Trump Campaign from the years 2015 and 2016.
- 5) Please provide any communications and emails between Red Eagle, AMAG, or National Media and the NRA discussing the Trump Campaign.
- 6) Please provide any notes from any meetings or phone calls held with NRA and the NRA-ILA from the years 2015 and 2016.
- 7) Do Red Eagle, AMAG, or National Media have any ownership interest in Starboard and/or OnMessage? Please describe such ownership interest.
- 8) Do any Red Eagle, AMAG, or National Media employees also work for Starboard and/or OnMessage, or vice versa? Please provide their names, positions and description of their responsibilities at each entity.
- 9) Do Red Eagle, AMAG, or National Media or its employees have any contact with Starboard Strategic or OnMessage? If so, please describe the nature of the relationship and the employees involved, and please provide any communications and emails between these entities regarding the placement of advertisements for the Trump Campaign and the NRA.
- 10) Do Red Eagle, AMAG, and National Media have regular corporate board meetings? Are any such corporate board meetings held separately and independently of each other? Do the boards of Red Eagle, AMAG, or National Media produce an annual report? If so,

¹⁴11 C.F.R. § 109.21(b).

¹⁵52 U.S.C. § 30116(a)(1).

please provide the annual reports and minutes from corporate board meetings held by Red Eagle, AMAG, and National Media for the years 2015 and 2016.

- a) Please provide any other relevant documents establishing the functional independence of Red Eagle, AMAG, and National Media from each other.

Given the significant oversight interest Congress has in the lawful administration of our campaign finance laws, we also request that Red Eagle, AMAG, and National Media and any other related entities retain all records relevant to this inquiry.



SHELDON WHITEHOUSE
United States Senator

Sincerely,



AMIE RASKIN
Member of Congress